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LEGISLATIVE HISTORY

Public Law 85-413
S. 2937

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Index and Summary of S. 2937

- Aug. 23, 1957 Senator Symington introduced and discussed S. 2842, which was referred to Senate Agriculture and Forestry Committee. Print of bill and remarks.
- Jan. 9, 1958 Senator Mundt introduced S. 2937, which was referred to Senate Agriculture and Forestry Committee. Print of bill.
- Jan. 20, 1958 Rep. Hoeven introduced H. R. 10114 which was referred to House Agriculture Committee.
- Mar. 6, 1958 Senate Committee ordered S. 2937 reported with amendment.
- Mar. 12, 1958 Senate Committee reported S. 2937 with amendment. Print of bill and Senate Report No. 1383.
- Mar. 17, 1958 Senate passed S. 2937 as reported.
- Mar. 18, 1958 S. 2937 was referred to House Agriculture Committee. Print of bill as referred.
- Apr. 15, 1958 House committee ordered H. R. 10114 reported.
- Apr. 16, 1958 House committee reported H. R. 10114 without amendment. Print of bill and House Report No. 1606.
- May 5, 1958 House passed S. 2937 without amendment, in lieu of H. R. 10114. H. R. 10114 laid on table.
- May 16, 1958 Approved: Public Law 85-413.

DIGEST OF PUBLIC LAW 85-413

SOIL BANK COMPENSATION DUE TO INCORRECT INFORMATION.

Authorizes the Secretary of Agriculture to compensate producers for any losses suffered under the 1956 soil-bank program as a result of incorrect information furnished by county committees because of mistakes which occurred in putting the program into effect hurriedly.

IN THE SENATE OF THE UNITED STATES

AUGUST 23 (legislative day, AUGUST 22), 1957

Mr. SYMINGTON introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To provide equitable treatment for producers participating in the acreage reserve program on the basis of incorrect information furnished by the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 103 of the Soil Bank Act is amended, effective
4 as of the date of enactment of the Soil Bank Act, by adding
5 at the end thereof the following additional subsection:

6 “(c) In any case in which a producer in good faith
7 enters into an acreage reserve contract in reliance on infor-
8 mation furnished to him by the Secretary as to his acreage
9 allotment, base acreage, measured acreage of the commodity,
10 or other fact, such information shall be regarded as true for
11 the purpose of this title.”

A BILL

To provide equitable treatment for producers participating in the acreage reserve program on the basis of incorrect information furnished by the Government.

By Mr. SYMINGTON

AUGUST 23 (legislative day, AUGUST 22), 1957
Read twice and referred to the Committee on
Agriculture and Forestry

mileage of the National System of Interstate Highways, until such time as funds have been made available to assure the completion of the existing mileage, in accordance with established standards of design and construction.

RESOLUTION 4

Whereas there is increasing need for the construction of access roads for the development of our natural resources, to stimulate the mining of vital strategic minerals, and leading to Federal installations; and

Whereas such access roads will provide recreation opportunities to great numbers of our people; and

Whereas the Nation will receive much benefit from the supply of these strategic minerals so necessary for the defense of our country; and

Whereas the resulting industrial growth will provide economic benefit to the entire Nation; and

Whereas State and local governments are unable to provide for financing such access roads: Now, therefore, be it

Resolved, That the Western Association of State Highway Officials in convention assembled at Houston, Tex., on June 13, 1957, urgently requests the Congress of the United States to take the necessary action to provide funds for the construction of such access roads, and that copies of this resolution be sent to Members of Congress of the Western States and to members of the appropriate committees.

RESOLUTION 5

Whereas under present rulings of the United States Bureau of Internal Revenue conveyances of private property to public agencies for public use are subject to the imposition of the Internal Revenue documentary stamp tax; and

Whereas while technical legal liability for such stamp tax rests upon the private property owner, in fact the cost thereof must frequently be borne by the public agencies in order to avoid condemnation proceedings and to that extent, imposition of the stamp tax upon such conveyances constitutes an unreasonable interference with and burden upon necessary State governmental functions; and

Whereas H. R. 6849, presently being considered by the Congress of the United States, would eliminate such unreasonable interference and burden by exempting conveyances of private property to public agencies from said documentary stamp tax: Now, therefore, be it

Resolved, That the Western Association of State Highway Officials in annual convention assembled in Houston, Tex., this 13th day of June, 1957, instructs its president and executive committee to actively seek enactment of H. R. 6849 or other appropriate legislation to assure that conveyances of private property to State highway departments for highway purposes be exempted from the Internal Revenue documentary stamp tax.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ERVIN, from the Committee on Armed Services, with an amendment:

H. R. 3028. An act to provide for the relief of certain female members of the Air Force, and for other purposes (Rept. No. 1112).

By Mr. JOHNSON of Texas, from the Committee on Armed Services, without amendment:

H. R. 4144. A bill to provide that the commanding general of the militia of the District of Columbia shall hold the rank of

brigadier general or major general (Rept. No. 1114).

By Mr. JOHNSON of Texas, from the Committee on Armed Services, with amendments:

S. 41. A bill to direct the Secretary of the Navy or his designee to convey a two thousand four hundred seventy-seven and forty-three one hundredths acre tract of land, avigation and sewer easements, in Tarrant and Wise Counties, Tex., situated about 20 miles northwest of the city of Fort Worth, Tex., to the State of Texas (Rept. No. 1113).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H. R. 896. An act to amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services (Rept. No. 1115).

By Mr. NEUBERGER, from the Committee on Interior and Insular Affairs, with an amendment:

H. R. 6322. An act to provide that the dates for submission of plan for future control of property and transfer of the property of the Menominee Tribe shall be delayed (Rept. No. 1116).

REPORT ENTITLED "GOVERNMENT PROCUREMENT, 1957; CASE STUDIES IN GOVERNMENT PROCUREMENT" (S. REPT. NO. 1111)

Mr. SPARKMAN. Mr. President, as chairman of the Select Committee on Small Business, and on behalf of the Senator from Florida [Mr. SMATHERS], chairman of the committee's Government Procurement Subcommittee, I submit a report entitled "Government Procurement, 1957; Case Studies in Government Procurement," and ask that it be printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Alabama.

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. JOHNSTON of South Carolina, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation three lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon, pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN (by request):

S. 2841. A bill for the relief of Karl Weinheimer; to the Committee on the Judiciary.

By Mr. SYMINGTON:

S. 2842. A bill to provide equitable treatment for producers participating in the acreage reserve program on the basis of incorrect information furnished by the Government; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. SYMINGTON when he introduced the above bill, which appear under a separate heading.)

By Mr. MURRAY:

S. 2843. A bill to prohibit Government agencies from acquiring or using the National Grange headquarters site without specific congressional approval, to provide for renovation of the old State Department

Building, and for other purposes; to the Committee on Public Works.

By Mr. THURMOND:

S. 2844. A bill for the relief of J. Paul Adams; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2845. A bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON:

S. 2846. A bill to provide for a separate session of Congress each year for the consideration of appropriation bills, to establish the calendar year as the fiscal year of the Government, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (for himself, Mr. CHURCH, Mr. JACKSON, Mr. MANSFIELD, Mr. MORSE, Mr. MURRAY, and Mr. NEUBERGER):

S. 2847. A bill to amend the Federal Power Act, as amended, to require that the Federal Power Commission shall license only those projects which are best adapted to improving or developing the water resources of a river basin in order to obtain by integrated operation the maximum amount of net public benefits, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JACKSON:

S. 2848. A bill to amend section 73 (q) of the Hawaiian Organic Act; to approve and ratify Joint Resolution 32, Session Laws of Hawaii, 1957, authorizing the issuance of \$14 million in aviation revenue bonds; to authorize certain land exchanges at Honolulu, Oahu, T. H., for the development of the Honolulu airport complex; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ERVIN:

S. 2849. A bill for the relief of Pog Moon Jung and Moo Wah Jung; to the Committee on the Judiciary.

By Mr. CARROLL:

S. 2850. A bill for the relief of Maria Pontillo; to the Committee on the Judiciary.

By Mr. KUCHEL:

S. 2851. A bill to amend section 203 of the Federal Property and Administrative Services Act of 1949 to authorize the sale and conveyance of certain surplus property of the United States situated in the county of Orange, State of California, to the former owners thereof, Richard Haster and Esther Haster, his wife, or their legal representatives; to the Committee on Government Operations.

NATIONAL LIBRARY WEEK

Mr. HILL. Mr. President, on behalf of myself and Senators CHURCH, DOUGLAS, HENNINGS, MURRAY, MORSE, JOHNSTON of South Carolina, PASTORE, FULBRIGHT, AIKEN, THYE, ALLOTT, COOPER, CASE of New Jersey, WATKINS, MANSFIELD, CARLSON, and McNAMARA, I submit, for appropriate reference, a concurrent resolution requesting the President to designate the week of March 16-22, 1958, as National Library Week. The concurrent resolution carries the endorsement of the American Library Association, the National Book Committee, and numerous other professional organizations and voluntary citizens' associations.

Last year Congress gave recognition and tangible support to the important educational and cultural functions of

public libraries by the enactment of the Library Services Act. That act authorized a 5-year program of Federal matching grants to enable the States to provide public library services in rural areas of the country which have no library service or inadequate service, and in which approximately 27 million of our people live.

In passing the Library Services Act, Congress took a necessary step to alleviate the obvious and critical needs of this important educational service. There remains, however, the need to build the financial support and material resources of all libraries and make these resources available to our people in the most effective way possible. These needs will be provided by State and local governments, voluntary associations and private effort and initiative. National Library Week is intended to focus public attention on these problems and to stimulate public interest in their solution. State and local committees throughout the Nation will be at work during National Library Week emphasizing the resources of libraries and the part the printed word contributes to our education, self-development, cultural advancement, recreation, civic improvement, and our national well-being.

My fellow sponsors and I commend the National Book Committee, the American Library Association and the other supporters of National Library Week for their initiative in developing this program; and we are hopeful that Congress will adopt the concurrent resolution, and bring National Library Week to the attention of our people.

Mr. President, I ask unanimous consent that the concurrent resolution be printed in the RECORD.

The VICE PRESIDENT. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 49) was referred to the Committee on the Judiciary, as follows:

Whereas the Congress of the United States has recognized the vital educational and cultural role of libraries by the enactment of the Library Services Act of 1956; and

Whereas the Library Services Act is now in operation in 43 of the 48 States as a means of finding ways of bringing adequate public library service to some 27 million Americans, largely in rural areas, hitherto without such service or with totally inadequate service; and

Whereas State and local governments, professional associations, and citizens' groups recognize that much remains to be done to improve the availability of the full resources of the printed word to all of our people for education, self-improvement, cultural advancement, and fulfilling the responsibilities of citizens in a democracy; and

Whereas the National Book Committee and the American Library Association in cooperation with numerous other citizens' organizations, business and professional groups, and voluntary associations, have designated the week of March 16-22, 1958, as the first National Library Week; and

Whereas National Library Week will increase support for libraries from the highest levels of leadership in the civic, economic, professional, and cultural life of the country; will expose the need for the extension and improvement of school and public library services; will offer opportunities for librarians to work more closely with newspaper, magazine, and advertising executives in

broadening the use of printed materials; will attract wider public attention to library services through features in national media; and will promote prestige for reading itself by showing the vital role the printed word can play in the pleasure of reading aloud in the family, the rewards of reading as a leisure time activity and the contribution of reading to career advancement: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the President is requested to issue a proclamation designating the week beginning on the 16th day and ending on the 22d day of March 1958 as National Library Week, and calling upon the people of the United States to observe such week with appropriate ceremonies.

CONSTRUCTION AND SALE OF A PASSENGER VESSEL FOR USE IN TRANSPACIFIC TRADE

Mr. MAGNUSON submitted the following concurrent resolution (S. Con. Res. 50), which was referred to the Committee on Interstate and Foreign Commerce:

Whereas it is the policy of the United States, as declared in section 101 of the Merchant Marine Act, 1936 (46 U. S. C. 1101), to foster the development and encourage the maintenance of a merchant marine "(a) sufficient to carry its domestic waterborne commerce and a substantial portion of the waterborne export and import foreign commerce of the United States and to provide shipping service on all routes essential for maintaining the flow of such domestic and foreign waterborne commerce at all times, (b) capable of serving as a naval and military auxiliary in time of war or national emergency, (c) owned and operated under the United States flag by citizens of the United States insofar as may be practicable and (d) composed of the best equipped, safest, and most suitable types of vessels, constructed in the United States and manned with trained and efficient citizen personnel"; and

Whereas a new passenger vessel adequate in size and speed to meet the requirements of our foreign commerce and national defense is needed in the Pacific area to insure carriage of a substantial portion of the waterborne export and import foreign commerce of the United States in the transpacific trades by the United States merchant marine; and

Whereas the Department of Defense has stated that a majority of the passenger vessels now in the United States merchant marine and capable of serving as troop transports in time of war or national emergency are deficient in speed and that the construction of new passenger vessels is required in the interests of national defense; and

Whereas the capital investment required for a vessel of the necessary size and speed exceeds the financial resources of any qualified operator in the United States merchant marine; and

Whereas the Department of Commerce, Maritime Administration, is authorized by section 502 of the Merchant Marine Act, 1936 (46 U. S. C. 1152), to contract for the construction, outfitting and equipment of new vessels in United States shipyards and to sell such vessels at foreign cost to citizens of the United States for use on essential trade routes, services on lines in the foreign commerce of the United States under contracts requiring a downpayment of 25 percent of the sales price and payment of the balance of said sales price in twenty equal annual installments with interest at 3½ percent per annum: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, it is the

sense of Congress that the Department of Commerce proceed as authorized by section 502 of the Merchant Marine Act, 1936, to construct, outfit and equip a new passenger vessel with a passenger capacity of approximately 1,400 and a speed of 26 knots, at an estimated domestic cost of \$73 million (\$45 million for 23-knot vessel) and an estimated foreign cost of \$41 million (\$25 million for 23-knot vessel), and to sell said vessel to American President Lines, Ltd., a citizen of the United States and an experienced and qualified steamship operator, for use on essential trade routes, services or lines in the transpacific trade.

EQUITABLE TREATMENT OF PRODUCERS PARTICIPATING IN ACREAGE RESERVE PROGRAM

Mr. SYMINGTON. Mr. President, I introduce for appropriate reference a bill to give relief to those farmers who signed and lived up to acreage reserve agreements under the Soil Bank Act, but who, through no fault of their own, received no compensation, or less compensation than their contracts provided. These farmers were shortchanged by their Government because of errors by agents or employees of the Department of Agriculture acting for the secretary.

In some of these cases, Department officials agree that the result is unfair, but state that Department rules and regulations prevent the payments. The Comptroller General supports this position on the ground that the rules and regulations are in accord with the law.

As an example of this type of injustice, I present the case of a Carrollton, Missouri, farmer, who acted in good faith, signed an acreage reserve contract on July 26, 1956, expecting to be compensated under the Soil Bank, only to learn months later, after his crop was lost, that the local ASC office had given him erroneous information and, therefore, his contract was not binding on the Government.

Mr. President, I ask unanimous consent to have the following documents inserted in the RECORD at this point:

Copy of contract dated July 26, 1956, signed by Mr. Ralph Brock, of Carrollton, Mo., and the Carroll County ASC Committeeman, Mr. Buel Ogden.

Memorandum dated December 4, 1956, from Missouri ASC Committee to the Soil Bank Division, USDA, Washington, D. C.

Letter dated June 17, 1957, from Mr. Dwight W. Meyer, Acting Director, Soil Bank Division.

Letter dated July 12, 1957, from Mr. Howard J. Doggett, Director, Soil Bank Division, and a copy of notice issued by the USDA setting forth a ruling by the Comptroller General.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

SOIL BANK ACREAGE RESERVE AGREEMENT, 1956

Acres in farm: 120.
State: Missouri.
County: Carroll.
Cropland acres: 97.
Code and farm No. 19-239.
Agreement No.: 530.

1

1. Location of farm: 5 miles southwest of Bogard.

2. Name and address of operator: Ralph Brock.

II

Crop (a): Corn.
Acreage (b): 15.
Field identification (c): A.

III

Acreage placed in acreage reserve (as shown in pt. II above) (corn): 15.
Farm rate per acre: \$27.30.
Maximum compensation: \$409.50.

IV

Name:
Ralph Brock.
Division of compensation, corn, 100 percent: \$409.50.

V

RALPH BROCK, Owner.

Date: July 26, 1956.

SECRETARY OF AGRICULTURE,
By BUELL OGDEN,
ASC County Committeeman.

Date: July 26, 1956.

DECEMBER 4, 1956.

1956 Acreage Reserve Program—Complaint of Mr. and Mrs. Ralph Brock, Rural Route 3, Carrollton, Mo.

DWIGHT MYERS,

Deputy Director, Soil Bank Division,
Commodity Stabilization Service,
United States Department of Agriculture, Washington, D. C.

The State committee has received a complaint by way of a personal visit from the above producers relative to a 1956 corn acreage reserve agreement.

The Brocks stated that they had signed an agreement for 15 acres, but had not been paid.

Information obtained from the Brocks and from the Carroll County ASC office reveals that this is 1 of 10 such cases in the county. All 10 cases are actually missed farms, on which the county signed agreements on the assumption that the acres would be available out of the State reserve. It developed, however, that the acres in the State reserve was exhausted, and, consequently, these allotments could not be granted.

The county then attempted to pro rate the acres left in the county reserve among all 10 farms with the result that they offered Brock 3 acres instead of the 15 he originally signed for.

Brock's contention is that the lost 15 acres of hay which he otherwise would have cut and as a result he has suffered financial loss.

We fully realize that compliance with, and reduction from, acreage allotments is a requisite of the acreage reserve program, but it is our earnest opinion that in such cases as this, in which the error apparently rests with the county office, an attempt should be made to pay the producers involved.

For that reason, we are submitting this case and we would appreciate your consideration and advice.

MISSOURI STATE ASC COMMITTEE,
State Office, Columbia, Mo.

UNITED STATES
DEPARTMENT OF AGRICULTURE,
COMMODITY STABILIZATION SERVICE,
Washington, D. C. June 17, 1957.

Hon. STUART SYMINGTON,
United States Senate.

DEAR SENATOR SYMINGTON: This is in further reply to your letter of May 23, 1957, in regard to your constituent, Mr. Ralph Brock, Rural Route No. 3, Carrollton, Mo.

Your letter and all of the attachments were referred to the Office of General Counsel requesting that they determine the farm allotment that could have been established for Mr. Brock in 1956. Thus, establishing the acreage that was eligible to be placed under a 1956 acreage reserve agreement. The following report was received from the Office of General Counsel on June 13, 1957.

"The facts appear to be as follows: Mr. Brock's farm was 1 of 10 missed farms in Carroll County, Mo., and no official allotment was issued. An agreement was filed by Mr. Brock placing 15 acres in corn acreage reserve and he set aside a field of hay which he could otherwise have harvested. There is no record of Mr. Brock's having been told that his agreement depended on the availability of acres in the allotment reserve. Later, it was determined that the allotment reserve in Carroll County was only 10 acres. Subsequent to this determination, several other missed farms were reported and the 10 acres were prorated among them, the prorated allotment for Mr. Brock being established at only 3 acres. The county committee does not recall signing Mr. Brock's agreement, but Mr. Brock has submitted a photostatic copy of his agreement showing the signature of Buell Ogden, a member of the county committee. We therefore assume that the agreement was signed by Mr. Ogden.

"As you know, the Secretary has recently requested the Comptroller General's decision as to whether the 1956 acreage reserve regulations may be amended to provide that in any case where a producer is given erroneous information as to his acreage allotment or measured acreage of the commodity and, in good faith, acted in reliance on such information, the acreage allotment or measured acreage on which the producer was so advised shall be the official allotment or measured acreage for purposes of the 1956 acreage reserve program.

"If the Comptroller General approves the Department's proposed action and the regulations are so amended, Mr. Brock may be paid compensation on the 15 acres which he placed in the acreage reserve."

You will be advised as to the decision rendered by the Comptroller General. If we can be of further service to you, please feel free to call upon us.

Sincerely yours,

DWIGHT W. MEYER,
Acting Director, Soil Bank Division.

UNITED STATES DEPARTMENT
OF AGRICULTURE,
COMMODITY STABILIZATION SERVICE,
Washington, D. C., July 12, 1957.
Hon. STUART SYMINGTON,
United States Senate.

DEAR SENATOR SYMINGTON: This is in further reply to your inquiry in regard to your constituent Mr. Ralph Brock, Rural Route No. 3, Carrollton, Mo.

We advised you that the Secretary of Agriculture had requested the Comptroller General for his decision as to whether, legally, the regulations governing the 1956 acreage reserve program could be amended to make payment in cases such as this. The Department proposed to amend the 1956 regulations to provide that, in any case where a producer was given erroneous information as to his acreage allotment or measured acreage of the commodity and, in good faith, acted in reliance on such information, the acreage allotment or measured acreage of which the producer was so advised shall be the official allotment or measured acreage for purposes of the 1956 acreage reserve program. In the Secretary's letter it was pointed out that, in numerous cases, producers had voluntarily performed their acreage reserve agreements regarding land designated as the acreage reserve and have received greatly reduced, and in some instances no, compensation as a result of relying on erroneous or misleading information concerning their allotments or measured acreage.

The following is the Comptroller General's ruling: "Your proposed amendment to the 1956 regulations would authorize the compensation of producers for acreages in excess of their actual farm acreage allotments

or farm base acreage, whichever is applicable. Since the compensation of producers on that basis would not be authorized by the Soil Bank Act, our opinion is that the issuance of the proposed amendment to the 1956 regulations legally would not be proper."

We regret that the Comptroller General's ruling makes it impossible for the Division to authorize payments on acreage reserve agreements such as Mr. Brock's.

Sincerely yours,

HOWARD J. DOGGETT,
Director, Soil Bank Division.

UNITED STATES DEPARTMENT
OF AGRICULTURE,
COMMODITY STABILIZATION SERVICE,
Washington, D. C.

Action by ASC State and county offices.

REQUESTS FOR WAIVER OF REGULATIONS—CLAIMS
FOR ADDITIONAL COMPENSATION—1956 ACREAGE RESERVE AGREEMENTS

Approved:

CHAS. M. COX,
Acting Deputy Administrator, production Adjustment.

1. Purpose: To transmit to State and county committees for their information and guidance the contents of a ruling by the Comptroller General of the United States. The ruling states that compensation may not be paid producers for acreages in excess of their actual reduction below the farm acreage allotments or farm-base acreage, whichever is applicable.

2. Background: During the past months, several of the ASC State committees have requested waivers involving cases where, as a result of incorrect information as to acreage allotments or measured acreages, producers in good faith acted in reliance on such information and destroyed acreages in excess of their actual farm allotments or farm-base acreage, whichever is applicable. Pursuant to these requests the office of the general counsel requested a ruling from the Comptroller General of the United States as to whether the 1956 acreage reserve regulations could legally be amended to permit the producers in such cases to be compensated for such destruction.

3. Ruling: The ruling of the Comptroller General is quoted below:

"Letter of June 10, 1957, from the Acting Secretary of Agriculture, requests our decision whether you legally may amend the regulations governing the 1956 acreage reserve part of the soil-bank program as stated below.

"Section 485.114 of the regulations governing the 1956 acreage reserve program (21 F. R. 4383) provides as follows:

"§ 485.114 Amount of compensation: The amount of compensation for each commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.115, by the smallest of (a) the number of acres in the acreage reserve, (b) the acreage by which the commodity is reduced below the allotment, or in the case of corn, the soil bank corn base, or (c) the number of acres which the producer agrees to place in the acreage reserve: *Provided*, That no compensation will be paid for the particular commodity if the acreage so determined is below the minimum acreage which may be placed in the acreage reserve."

"The Acting Secretary's letter states that, in numerous cases, producers who have fully performed their acreage reserve agreements regarding land designated as the acreage reserve have received greatly reduced, and in some instances no, compensation as a result of relying on erroneous or misleading information concerning their allotments or acreage measurements. The following two examples are set out as typical of existing cases:

"1. The producer is informed that he has a 50-acre wheat allotment and, acting in good faith on the basis of such information, places 10 acres of wheat in the acreage reserve and harvests 40 acres of wheat. In performing his acreage reserve agreement the producer destroys a crop, other than wheat, on the 10 acres designated as the acreage reserve. The producer is not notified of his correct 40-acre wheat allotment in time to permit him to destroy the excess acreage of wheat. The result is that there has been no reduction in wheat acreage below the final corrected wheat allotment, although the producer has destroyed a crop on the 10 acres in the acreage reserve in order to comply with the terms of the agreement which he signed.

"2. The producer has a corn base acreage of 55 acres and is informed that his measured acreage of corn is 40 acres. On this basis, in good faith, the producer places 15 acres of corn in the acreage reserve and designates a 15-acre tract, on which he destroys a growing crop, as the acreage reserve.

"The producer is not notified that the correct corn measurement is 50 acres instead of 40 acres in time to permit him to destroy the excess acreage of corn. The result is that there has been a reduction of only 5 acres below the corn base although the producer has destroyed a crop on the 15 acres in the acreage reserve in order to comply with the terms of the agreement which he signed."

"The letter further states that under the existing regulations the producer in the first example can be paid no compensation, and in the second example he can be compensated only for 5 acres even though the failure in each case to reduce below the allotment or corn base to the extent of the acreage placed in the reserve is due to no fault of the producer, since the establishment of an allotment or a corn base, the measurement of the acreage of a crop on the farm, and the furnishing of such information to the producer are administrative acts performed by employees of the Government. Therefore, your Department proposes to amend the 1956 regulations to provide that, in any case where a producer is given erroneous information as to his acreage allotment or measured acreage of the commodity, and, in good faith, acted in reliance on such information, the acreage allotment or measured acreage of which the producer was so advised shall be the official allotment or measured acreage for purposes of the 1956 acreage-reserve program.

"Section 103 (a) of the Soil Bank Act, Public Law 540, approved May 28, 1956, 70 Stat. 188, authorizes and directs the Secretary of Agriculture to formulate and carry out an acreage reserve 'under which producers shall be compensated for reducing their acreages of the commodity below their farm acreage allotments or their farm base acreages, whichever may be applicable' and provides further that to be eligible for such compensation 'the producer (1) shall reduce his acreage of the commodity below his farm acreage allotment or farm base acreage, whichever may be applicable, within such limits as the Secretary may prescribe.' This language clearly authorizes the compensation of producers solely for the reduction of their acreages of the commodity below their farm acreage allotments or their farm base acreages and any compensation based upon acreage in excess of such reduction in acreage is not authorized by the Soil Bank Act.

"Your proposed amendment to the 1956 regulations would authorize the compensation of producers for acreages in excess of their actual farm acreage allotments or farm base acreage, whichever is applicable. Since the compensation of producers on that basis would not be authorized by the Soil Bank Act, our opinion is that the issuance of the proposed amendment to the 1956 regulations legally would not be proper."

4. Action by ASC State and county offices: Pending the ruling from the Comptroller General, we attempted to advise all States involved that their requests for waivers on this type of case would be retained in this office until such time as the Comptroller General rendered a ruling. Upon receipt of this ruling, we attempted to reply to each request made by the respective States. However, it is possible in the rush of handling waiver cases and other matters in the office that some of the requests may have been overlooked. Therefore, in view of the ruling of the Comptroller General, a waiver may not be granted in this type of case. State and county committees can be governed accordingly in any case coming within the purview of the ruling of the Comptroller General.

Mr. SYMINGTON. Mr. President, based on these documents, a farmer does not know that his contract will be kept by the Government, even though he has signed and complied with it in good faith, and it is accepted by the USDA agents.

Inasmuch as the Comptroller General has ruled that the Department of Agriculture is prohibited from revising its rules and regulations in order to compensate farmers in such cases, I believe that Congress should take action to see that the Soil Bank Act is amended to remedy the injustice done.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2842) to provide equitable treatment for producers participating in the acreage reserve program on the basis of incorrect information furnished by the Government, introduced by Mr. SYMINGTON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 103 of the Soil Bank Act is amended, effective as of the date of enactment of the Soil Bank Act, by adding at the end thereof the following additional subsection:

"(c) In any case in which a producer in good faith enters into an acreage reserve contract in reliance on information furnished to him by the Secretary as to his acreage allotment, base acreage, measured acreage of the commodity, or other fact, such information shall be regarded as true for the purpose of this title."

REIMBURSEMENT BY PANAMA CANAL COMPANY FOR ANNUITY PAID TO REPUBLIC OF PANAMA

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama. I ask unanimous consent that a statement prepared by me, relating to the bill, be printed in the RECORD, together with a letter from the Secretary of the Panama Canal Company, requesting the proposed legislation.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the statement and letter will be printed in the RECORD.

The bill (S. 2845) to provide for reimbursement of the Treasury by the Panama Canal Company for the annuity paid to the Republic of Panama, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. MAGNUSON is as follows:

STATEMENT BY SENATOR MAGNUSON

The Panama Treaty implementation bill (H. R. 6709), recently approved by both Senate and House of Representatives, authorized conveyance of certain property and facilities to the Republic of Panama, and provided that the property and facilities conveyed should be credited to the Panama Canal Company account in the Treasury, at their market value.

Included in the bill as introduced, but deleted before passage, were provisions authorizing the additional \$1,500,000 in annuity payments to the Republic of Panama stipulated in the treaty, and directing that the additional payments as well as the previously agreed annuity payment of \$430,000 be reimbursed to the Treasury by the Panama Canal Company.

These provisions were eliminated from the bill because of the feeling by various members of both the Senate and House committees considering the bill, that more information should be forthcoming from the Department of State as to the circumstances attendant upon the granting of the annuity increase and the determination of the amount involved. Only thus, it was felt, could it be decided reasonably whether the additional payment was of such nature as to be a proper charge against the canal company, to be paid from tolls collected from vessels transiting the canal, or whether, as some contended, it was an extraordinary expenditure, based on a directive stemming from national policy and not directly connected with the operation of the canal.

Accordingly it was deemed best to defer consideration and approval of the increased payment, and of the fiscal handling of the additional amount, until the desired information on the matter was obtained. I, therefore, am reintroducing, by request, as a separate bill, the sections dealing with the authorization and fiscal handling of the increased annuity payment involved, for hearings and consideration in the 1958 session.

The letter presented by Mr. MAGNUSON is as follows:

PANAMA CANAL COMPANY,

Washington, D. C., August 21, 1957.

Hon. WARREN G. MAGNUSON,

Chairman, Committee on Interstate and Foreign Commerce, United States Senate.

DEAR SENATOR MAGNUSON: Enclosed is a draft bill "To amend the provisions of paragraph (e) of section 246 of title 2 of the Canal Zone Code relating to reimbursement of the Treasury for the annuity paid to the Republic of Panama."

Article 1 of the 1955 treaty between the United States and Panama provides for an increase of \$1,500,000, from \$430,000 to \$1,930,000, in the annuity payable by the United States to Panama under the 1903 convention (33 Stat. 2234) between the United States and Panama, as amended by article VII of the 1936 treaty between the two countries (53 Stat. 1807).

Section 246 (e) of title 2 of the Canal Zone Code, as amended by the act of September 26, 1950 (64 Stat. 1041) obligates the Panama Canal Company to reimburse the Treasury for the annuity payments required by article XIV of the 1903 convention, as amended by article VII of the 1936 treaty.

85TH CONGRESS
2D SESSION

S. 2937

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 1958

Mr. MUNDT introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Soil Bank Act is amended by adding at the end
4 thereof the following new section:

5 "COMPENSATION FOR INCORRECT INFORMATION FURNISHED

6 UNDER 1956 PROGRAM

7 “SEC. 127. In any case in which a producer in good
8 faith entered into an acreage reserve contract, or conserva-
9 tion reserve contract, in 1956, or took action with the in-
10 tention of entering into such a contract, in reliance on

1 incorrect information furnished to him by the county com-
2 mittee, or other authorized representative of the Secretary,
3 or because of the failure of the county committee, or other
4 authorized representative of the Secretary, to inform him
5 of his ineligibility to enter into such a contract or to receive
6 compensation, the Secretary is hereby authorized, when-
7 ever he deems it desirable in order to provide fair and equi-
8 table treatment to such producer, to compensate such
9 producer for the loss suffered by him."

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

By Mr. MUNDT

JANUARY 9, 1958

Read twice and referred to the Committee on
Agriculture and Forestry

H. R. 10114

OF THE HOUSE OF REPRESENTATIVES

IN SENATE

REPORT OF THE COMMITTEE ON THE JUDICIARY

OF THE HOUSE OF REPRESENTATIVES

A BILL

FOR THE REPEAL OF THE ACT OF MARCH 3, 1875, CHAP. 13, ENTITLED "AN ACT TO PROVIDE FOR THE REGULATION OF THE COURTS OF THE UNITED STATES"

AND FOR OTHER PURPOSES

85TH CONGRESS
2D SESSION

H. R. 10114

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1958

Mr. HOEVEN introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Bank Act is amended by adding at the end
4 thereof the following new section:

5 “COMPENSATION FOR INCORRECT INFORMATION FUR-
6 NISHED UNDER 1956 PROGRAM

7 “SEC. 127. In any case under the 1956 program in
8 which a producer, in reliance, in good faith, on incorrect
9 or incomplete information furnished to him by an author-
10 ized representative of the Secretary, entered into an acreage

1 reserve or conservation reserve contract, or took action with
2 the intention of entering into such a contract, and the pro-
3 ducer is not entitled to receive under the provisions of the
4 program the payment which was stipulated in the contract,
5 or which would have been stipulated if a contract had been
6 entered into, the Secretary is hereby authorized, whenever
7 he deems it desirable in order to provide fair and equitable
8 treatment to such producer, to compensate such producer
9 for any loss suffered by him as a result of action taken for
10 the purpose of participating in the program.”

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

By Mr. HOEVEN

JANUARY 20, 1958

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 7, 1958
For actions of March 6, 1958
85th-2d, No. 36

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HIGHLIGHTS: See page 8.

SENATE

1. FARM PROGRAM. The Daily Digest reported that the Agriculture and Forestry Committee "ordered favorably reported the following: ~~an original joint resolution to provide that acreage allotments and price supports cannot be lower than those in effect in 1957; an original joint resolution providing that price supports for dairy products shall not be reduced below those in effect in the 1957 marketing year; with amendment, S. 2937, providing equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government; a clean bill in lieu of S. 2913, to provide for a minimum acreage allotment for corn; and S. 3385, to amend section 114 of the Soil Bank Act with respect to compliance with corn acreage allotments.~~" (p.D182). Sen. Humphrey announced committee's action.

Sen. Proxmire stated that the Secretary had the power to increase dair, price supports, under present law, up to 90 percent of parity, and urged him to reconsider his action reducing price supports on April 1. pp. 3108-9

Sen. Proxmire inserted a speech by Prof. Galbraith of Harvard to the National Farm Institute, in which it was stated that the free market and the family farm are antithetical, and that to preserve our traditional farm structure will require government controls. pp. 3109-11

Sen. Proxmire inserted a constituent's letter on the farm program which also urged government payments in lieu of taxes for all Federal land. p. 3111

Sen. Murray added Sen. Neuberger's name as cosponsor to S. 3091, to require wheat price supports at no less than \$2 a bushel. p. 3091

Sen. Thye commended committee's bill to provide 54 million acre corn acreage allotment. p. 3114

2. DAIRY PRODUCTS. Sen. Proxmire's name was added as cosponsor to S. 2727, to establish Federal sanitation standards for milk and dairy products, and he recommended a uniform Federal law to promote the expansion of milk marketing. pp. 3090-1

3. FORESTRY. Passed as reported S. 3262, to authorize Federal grants to construct Olympic facilities for the 1960 winter games on Forest Service lands. p. 3123

The committee report on this bill includes the following statement:

"The sports arena to be built under the provisions of section 2 would be located on national-forest land and would be subject to the jurisdiction and authority of the Secretary of Agriculture. The sports arena would remain Federal property.

"The State of California has been granted a 30-year permit to use the land on which the arena is to be constructed as part of a State park. It is the intent of the committee that the permit issued by the Forest Service will provide for the payment by the permittee after the VIII Olympic Winter Games are over of a fee that fairly reflects the value of the use of the arena. This provision of the bill should result in some return to the Federal Government on its investment. The General Accounting Office will be enabled to review the adequacy of the rentals."

The Indian Affairs subcommittee ordered reported with amendments to the Interior and Insular Affairs Committee S. 3051, to provide alternatives of private or Federal acquisition of the part of the Klamath Indian forest lands which must be sold under the termination act. p. D182

4. SECOND SUPPLEMENTAL APPROPRIATION BILL. Sen. Thye submitted notice of his intention to propose an amendment to this bill, H. R. 10881, to require 1958 dairy price supports be not less than those for 1957. p. 3090

Sen. Sparkman submitted notice of his intention to propose an amendment to the bill, to authorize the Small Business Administration to loan funds to small business concerns "if the administration determines that the small business concern has suffered a substantial economic injury as a result of programs administered by the Secretary of Agriculture under the provisions of the Soil Bank Act." p. 3090

This bill was made the unfinished business, and Sen. Johnson announced it would be considered Mon., March 10. pp. 3123, 3142-3

5. ECONOMIC SITUATION; FARM PROGRAM. Sens. Johnson, Chavez, Goldwater, Mansfield, Murray, Capehart, Kerr, Dworshak, Revercomb, Johnston, Holland, Case, S. Dak., Fulbright, Humphrey, Carroll, Yarborough, Dirksen, Thye, Morse, and Douglas discussed the economic situation and Sen. Johnson's two resolutions, S. Con. Res. 68 and S. Con. Res. 69, to urge the acceleration of expenditures for

9. SOIL BANK. The Agriculture and Forestry Committee reported with amendment S. 2937, to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished to them by the Government (S. Rept. 1383). pp. 3585-6
10. DAIRY PRICE SUPPORTS. Sen. Proxmire criticized the proposed reduction in dairy price supports and inserted a telegram from the Pulaski, Wis., Chamber of Commerce opposing the cut. Sen. Mansfield stated that, "there is unity between the future welfare and well-being of the farmer and of businessmen and workers." pp. 3596-7
11. FARM PROGRAM. Sen. Sparkman stated that Senate approval of \$250 million for the soil bank was only a stopgap measure with more comprehensive legislation needed, and inserted an article by Drew Pearson on the situation of cotton farmers in Ala. p. 3597
Sen. Morse inserted 8 letters from Ore. farmers, opposing dairy price support reductions and any cuts in soil conservation cost sharing practices, contending that the rest of the economy did not operate in a free market so neither should the farmers. He also inserted his reply to one person who wrote to the Secretary to commend the present farm program. pp. 3671-3
12. STATEHOOD. Sen. Russell opposed statehood for Alaska until conditions had been improved, including more farms to allow Alaska to feed itself. pp. 3646-7
13. SMALL BUSINESS. Sen. Humphrey inserted a newspaper article on the growing tendency for big corporations to get bigger and small businesses to decline. p. 3647

HOUSE

14. FARM PROGRAM; TOBACCO; DAIRY; FOREST SERVICE. The Committee on Agriculture ordered reported the following bills (p. D203):
H. R. 11058, to provide for reductions in the acreage allotment of tobacco farmers who harvest more than one crop of tobacco in a year from the same acreage;
With amendment, H. R. 11178, to extend the special dairy programs;
With amendment, H. R. 7953, to facilitate and simplify the work of the Forest Service, with the deletion of section 8, which would have required forest road and trail users to pay maintenance costs for such roads.
15. WHEAT; ACREAGE ALLOTMENTS. The Agriculture Committee reported with amendment H. R. 11086, to reduce acreage history by the amount of excess wheat production actually depleted, but to allow no change for surplus production stored on the farm or delivered to the Department (H. Rept. 1497). p. 3689
16. APPROPRIATIONS. Received from the President a budget amendment for the fiscal year 1959 proposing increases of \$10,000,000 for Watershed Protection to accelerate the program of installing works of improvement on small watersheds under Public Law 566, and \$4,780,000 for Flood Prevention to accelerate the installation of flood prevention works of improvement on the 11 major watersheds as authorized by the Flood Control Act of 1944 (H. Doc. 351); to the Appropriations Committee. p. 3689
17. TERRITORIES. Received from the Comptroller General a report on activities of the government of the Virgin Islands. p. 3689

ITEMS IN APPENDIX

18. FOREIGN AID. Extension of remarks of Sen. Dworshak inserting an editorial on foreign aid and stating that the article "voices no opinions, but is a carefully documented story in cold figures of the tremendous expenditures..." pp. A2288-9
Sen. Hennings inserted an editorial, "Foreign Aid Paradox." p. A2305
Rep. Celler inserted a statement, "Strength Through Trade and Aid," pp. A2311-2
19. BUDGET. Rep. Abernethy inserted an article which reviews some of the facts as to the actual budgetary position and states that "for the budget the President presented 6 weeks ago is now scarcely worth the paper it is written on." p. A2292
20. WATER POLLUTION. Extension of remarks of Sen. Neuberger stating that "it is vital that Federal grants-in-aid for eliminating stream pollution be continued," and inserting a letter to the editor on this subject. pp. A2292-3
21. TOBACCO; RESEARCH. Sen. Scott inserted an address by Lewis Gruber, president of the P. Lorillard Co., at a meeting of the Washington Advertising Club, on the occasion of the club's special achievement award to Mr. Gruber for "his precedent-setting leadership in cigarette research and marketing." pp. A2295-6
22. FARM PROGRAM. Rep. Breeding inserted an article which defends Kansas' position as the Nation's prime wheat State. p. A2303
Extension of remarks of Sen. Watkins inserting an article, "let's Look at the Record," and stating it "points out that Secretary Benson's critics should be invited to stay on the record before they make their criticisms." p. A2316
Rep. Curtis, Mo., inserted an editorial, "Let's Recognize a Changing Farm Economy." p. A2310

BILLS INTRODUCED

23. DAIRY INDUSTRY. S. 3456, by Sen. Proxmire (for himself and others), to provide a substantially self-financing program to protect the returns of producers of milk and butterfat used in manufactured dairy products to the producers thereof, to provide a formula for computing parity farm income and parity income equivalent prices, to establish a Federal Dairy Advisory Committee, to promote and protect and encourage family-scale farming in the dairy industry, to enable milk producers to keep supplies in reasonable balance with the need and demand therefor, to prevent discrimination between the various manufactured dairy products in Government food-purchasing programs; to Agriculture and Forestry Committee. Remarks of Sen. Proxmire. pp. 3588-9
24. FORESTS. S. 3458, by Sen. Dworshak, to add certain lands located in Idaho to the Boise and Payette National Forests; to Interior and Insular Affairs Committee.
25. PARITY FORMULA. S. 3466, by Sen. Sparkman (for himself and Sen. Hill), and H. R. 11368, by Rep. Roberts, to amend the Agricultural Adjustment Act of 1938, as amended, to make the transitional parity formula inoperative for basic agricultural commodities for 1958; to Agriculture and Forestry and Agriculture Committees. Remarks of Sen. Sparkman. p. 3664

RELIEF FROM MISTAKES—1956 SOIL BANK PROGRAM

MARCH 12, 1958.—Ordered to be printed

Mr. ELLENDER, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

[To accompany S. 2937]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 2937) to provide equitable treatment for producers participating in the soil-bank program on the basis of incorrect information furnished by the Government, having considered the same, report thereon with a recommendation that it do pass with an amendment.

This bill authorizes the Secretary of Agriculture to compensate producers for hardships suffered under the 1956 soil-bank program as a result of incorrect information furnished by county committees. The 1956 program was put into effect hurriedly after the Agricultural Act of 1956 was approved, and a number of mistakes occurred. The Comptroller General has advised the Secretary of Agriculture, with respect to certain of these mistakes to which his attention was directed, that there is now no authority to correct these mistakes. Legislation is therefore required. The Department estimates that the cost of correcting these mistakes would not exceed \$1 million. Two examples of the types of mistakes covered are set out in the Comptroller General's letter which is attached hereto, along with the Department's reports on S. 2842 and S. 2937. Other examples are:

(1) An agreement was signed with one farmer placing 15 acres in the corn-acreage reserve and he set aside a field of hay which he might otherwise have harvested. There is no record of this farmer having been told that his agreement depended on the availability of acres in the allotment reserve. Later it was determined that the allotment reserve in his county was only 10 acres. Subsequent to this determination several other "missed farms" were reported and the 10 acres were prorated among them. The prorated allotment for the farmer was established at 3 acres.

(2) A farmer purchased a 160-acre farm on May 15, 1956. On February 17, 1956, an official allotment notice of "zero" acres had been sent to the former owner who did not appeal this notice within the

15-day period in which he might have done so. When the farm was purchased, it was set up as having a "zero" corn allotment for 1956 and since the original owner had not appealed this allotment within the specified time there is no provision for establishing allotment for this farm for 1956. However, on July 9, 1956, the new owner entered into an acreage-reserve agreement with the county Agricultural Stabilization and Conservation Committee as having underplanted 30 acres of corn. This agreement was signed by a member of the county committee on July 30, 1956. On the strength of the signed agreement and the information received from the ASC county committee the farmer destroyed a crop of oats planted on this land.

The committee amendment which was suggested by the Department of Agriculture makes no change in substance in the bill, but was suggested by the Department and adopted by the committee as a clearer statement of the provisions of the bill.

DEPARTMENTAL VIEWS

GENERAL ACCOUNTING OFFICE,
COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, June 28, 1957.

The honorable the SECRETARY OF AGRICULTURE.

DEAR MR. SECRETARY: Letter of June 10, 1957, from the Acting Secretary of Agriculture, requests our decision whether you legally may amend the regulations governing the 1956 acreage-reserve part of the soil-bank program as stated below.

Section 485.114 of the regulations governing the 1956 acreage-reserve program (21 F. R. 4383) provides as follows:

"§ 485.114 *Amount of compensation.* The amount of compensation for each commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.115, by the smallest of (a) the number of acres in the acreage reserve, (b) the acreage by which the commodity is reduced below the allotment, or in the case of corn, the Soil Bank corn base, or (c) the number of acres which the producer agrees to place in the acreage reserve: *Provided*, That no compensation will be paid for the particular commodity if the acreage so determined is below the minimum acreage which may be placed in the acreage reserve."

The Acting Secretary's letter states that, in numerous cases, producers who have fully performed their acreage-reserve agreements regarding land designated as the acreage reserve have received greatly reduced, and in some instances no, compensation as a result of relying on erroneous or misleading information concerning their allotments or acreage measurements. The following two examples are set out as typical of existing cases:

"1. The producer is informed that he has a 50-acre wheat allotment and, acting in good faith on the basis of such information, places 10 acres of wheat in the acreage reserve and harvests 40 acres of wheat. In performing his acreage-reserve agreement the producer destroys a crop, other than wheat, on the 10 acres designated as the acreage reserve. The producer is not notified of his correct 40-acre wheat allotment in time to permit him to destroy the excess acreage of wheat. The result is that there has been no reduction in wheat acreage below the final corrected wheat allotment, although the producer has

destroyed a crop on the 10 acres in the acreage reserve in order to comply with the terms of the agreement which he signed.

"2. The producer has a corn base acreage of 55 acres and is informed that his measured acreage of corn is 40 acres. On this basis, in good faith, the producer places 15 acres of corn in the acreage reserve and designates a 15-acre tract, on which he destroys a growing crop, as the acreage reserve. The producer is not notified that the correct corn measurement is 50 acres instead of 40 acres in time to permit him to destroy the excess acreage of corn. The result is that there has been a reduction of only 5 acres below the corn base although the producer has destroyed a crop on the 15 acres in the acreage reserve in order to comply with the terms of the agreement which he signed."

The letter further states that under the existing regulation the producer in the first example can be paid no compensation, and in the second example he can be compensated only for 5 acres even though the failure in each case to reduce below the allotment or corn base to the extent of the acreage placed in the reserve is due to no fault of the producer, since the establishment of an allotment or a corn base, the measurement of the acreage of a crop on the farm, and the furnishing of such information to the producer are administrative acts performed by employees of the Government. Therefore, your Department proposes to amend the 1956 regulations to provide that, in any case where a producer is given erroneous information as to his acreage allotment or measured acreage of the commodity and, in good faith, acted in reliance on such information, the acreage allotment or measured acreage of which the producer was so advised shall be the official allotment or measured acreage for purposes of the 1956 acreage reserve program.

Section 103 (a) of the Soil Bank Act, Public Law 540, approved May 28, 1956 (70 Stat. 188), authorizes and directs the Secretary of Agriculture to formulate and carry out an acreage reserve "under which producers shall be compensated for reducing their acreages of the commodity below their farm acreage allotments or their farm base acreages, whichever may be applicable" and provides further that to be eligible for such compensation "the producer (1) shall reduce his acreage of the commodity below his farm acreage allotment or farm base acreage, whichever may be applicable, within such limits as the Secretary may prescribe." This language clearly authorizes the compensation of producers solely for the reduction of their acreages of the commodity below their farm acreage allotments or their farm base acreages and any compensation based upon acreage in excess of such reduction in acreage is not authorized by the Soil Bank Act.

Your proposed amendment to the 1956 regulations would authorize the compensation of producers for acreages in excess of their actual farm acreage allotments or farm base acreage, whichever is applicable. Since the compensation of producers on that basis would not be authorized by the Soil Bank Act, our opinion is that the issuance of the proposed amendment to the 1956 regulations legally would not be proper.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., December 4, 1957.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
United States Senate.*

DEAR SENATOR ELLENDER: This is in reply to your request of August 26, 1957, for a report on S. 2842, a bill to provide equitable treatment for producers participating in the acreage-reserve program on the basis of incorrect information furnished by the Government.

The Department recommends enactment of the bill with certain amendments.

The application of the bill should be limited to the 1956 program. As a result of the delay in the passage of the soil-bank legislation and the mandate of Congress to put the program into effect for 1956 there was not ample opportunity to acquaint the field staff or producers fully with the requirements of the program. As a result, some producers suffered hardships due to being given erroneous information by county committees or due to the failure of county committees to properly inform them as to program requirements. It is not believed that such legislation is necessary or desirable for years subsequent to 1956.

Discretion should be vested in the Secretary to determine in which types of cases the provisions should be applied so that relief could be confined to those cases in which the farmer destroyed a crop or otherwise suffered a hardship. As presently written, no discretion is vested in the Secretary and the Secretary would be required to apply the provisions regardless of whether he felt the facts so warranted.

The Secretary should also be given discretion as to the amount of payment which should be made. In some cases, the hardship suffered by the producer involved the destruction of a crop having a lesser value than the one covered by the agreement. For instance, a producer upon being informed as to his measured acreage of wheat, may have destroyed a crop of oats to qualify for the program. If the value of the oats destroyed was less than the rate applicable to wheat, it would be inequitable to pay the producer at the higher rate.

It is recommended that the bill not be limited to cases in which a producer entered into a contract, since in some cases the producer acted on the basis of erroneous information furnished him before the contract could be completed. After the misinformation was discovered, the contract was not completed. It is also recommended that the bill not be limited to cases in which erroneous information was furnished the producer since in some cases the loss resulted from failure of the county committees to inform producers of their ineligibility to participate or to receive payment.

The bill also should be amended to cover the conservation reserve program for 1956.

A draft of an amended bill is attached hereto.

Until a survey can be made of claims coming under this legislation an accurate estimate of needed funds cannot be made. However, it is thought that such claims should not exceed \$1 million.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 14, 1958.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
United States Senate.*

DEAR SENATOR ELLENDER: This is in reply to your request of January 11, 1958, for a report on S. 2937, a bill to provide equitable treatment for producers participating in the soil-bank program on the basis of incorrect information furnished by the Government.

We recommend enactment of the bill with certain technical changes which are contained in the attached draft. The language contained in the attached draft is identical to that forwarded to you with our report of December 4, 1957, on S. 2842.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE,
Acting Secretary.

A BILL To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Bank Act is amended by adding at the end thereof the following new section: 

“COMPENSATION FOR INCORRECT INFORMATION FURNISHED UNDER
1956 PROGRAM

“SEC. 127. In any case under the 1956 program in which a producer, in reliance, in good faith, on incorrect or incomplete information furnished to him by an authorized representative of the Secretary, entered into an acreage reserve or conservation reserve contract, or took action with the intention of entering into such a contract, and the producer is not entitled to receive under the provisions of the program the payment which was stipulated in the contract, or which would have been stipulated if a contract had been entered into, the Secretary is hereby authorized, whenever he deems it desirable in order to provide fair and equitable treatment to such a producer, to compensate such producer for any loss suffered by him as a result of action taken for the purpose of participating in the program.”



Calendar No. 1404

85TH CONGRESS
2D SESSION

S. 2937

[Report No. 1383]

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 1958

Mr. MUNDT (for himself and Mr. SYMINGTON) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

MARCH 12, 1958

Reported by Mr. ELLENDER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Bank Act is amended by adding at the end
4 thereof the following new section:

5 “COMPENSATION FOR INCORRECT INFORMATION FURNISHED

6 UNDER 1956 PROGRAM

7 “SEC. 127. In any case in which a producer in good
8 faith entered into an acreage reserve contract, or conserva-
9 tion reserve contract, in 1956, or took action with the in-
10 tention of entering into such a contract, in reliance on

Calendar No. 1404

85TH CONGRESS
2d Session

S. 2937

[Report No. 1383]

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

By Mr. MUNDT and Mr. SYMINGTON

JANUARY 9, 1958

Read twice and referred to the Committee on
Agriculture and Forestry

MARCH 12, 1958

Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued March 18, 1958
For actions of March 17, 1958
85th-2d. No. 42

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HIGHLIGHTS: See page 6.

SENATE

1. WHEAT. The Congressional Record states that the Senate passed without amendment H. R. 11086, to grant relief from penalties of certain farmers who overplanted their wheat acreage allotments (p. 4027). The Record also states that S. 3406, a similar bill, was passed over earlier in the day at the request of Sen. Talmadge (p. 4021). The office of the Senate bill clerk informs us that apparently H. R. 11086 was not passed, and that apparently the statement in the Record was in error.
2. CORN. Passed with amendment H. R. 10843, to permit soil bank payments to certain corn producers in the commercial area who exceed their corn acreage allotments, after substituting the language of a similar bill as reported, S. 3385, for the text of H. R. 10843. S. 3385 was indefinitely postponed. pp. 4022-23
At the request of Sen. Talmadge, passed over S. 3441, to increase the minimum acreage allotment for corn. pp. 4022
3. COTTON. At the request of Sen. Talmadge, passed over S. 3408 to provide that cotton acreage allotments for 1958 and subsequent years shall be no less than in 1956. p. 4022

4. SOIL BANK. Passed as reported S. 2937, to compensate producers for hardships suffered under the 1956 soil bank program as a result of incorrect information furnished by county committees. pp. 4025-26
5. BUDGETING. At the request of Sen. Talmadge, passed over H. R. 8002, to provide for budgeting on an accrued expenditure basis. p. 4021
6. FOREIGN TRADE; SURPLUS COMMODITIES. S. 3420, to extend Public Law 480, continued as the unfinished business of the Senate. p. 4028
Sens. Aiken and Case, S. Dak., submitted amendments intended to be proposed to this bill. p. 4002
7. DAIRY PRICE SUPPORTS. Sen. Proxmire criticized the order to lower price supports for dairy products, and stated that the dairy farmer "has been punished -- instead of rewarded -- for his efficiency and his increasing contribution to our standard of living." p. 4012
8. APPROPRIATIONS. A subcommittee of the Appropriations Committee ordered reported without amendment H. R. 11085, the Treasury-Post Office appropriation bill for 1959. p. D218
9. CHICORY IMPORTS. The Finance Committee ordered reported with amendment H. R. 5005, to suspend for two years the duty on crude chicory. p. D219
10. HIGHWAY BILLBOARDS. Sen. Neuberger urged support for legislation for the regulation of billboards along the new Interstate Highway system, and inserted an article on the subject. pp. 4005-07
11. SOIL CONSERVATION. Sen. Langer inserted two Soil Conservation District resolutions commending the accomplishments of the ACP program, and opposing enactment of S. 2496, relative to conservation of wildlife, fish, and game, because it would provide that "much of the conservation work done by co-operators on their farms would first have to be approved by the United States Fish and Wildlife Service." p. 4016
12. FOREST ROADS. Sen. Church inserted an Ida. Chamber of Commerce resolution favoring increased appropriations for forest access roads. p. 4018
13. WATER COMPACTS. Passed without amendment S. 2557, to grant the consent of Congress to an extension of time for the negotiation of water compacts by Nebr., Wyo., and S. Dak. p. 4026
14. FOREIGN AID. Sen. Cooper urged additional economic aid for India. pp. 4044-46
15. LEGISLATIVE PROGRAM. Sen. Johnson announced that S. 1356, to transfer certain functions under the Packers and Stockyards Act to FTC, will be considered this week, probably, Tues., Wed., or Thurs.; he also stated that there will be a delay in consideration of the road authorization bill until minority views can be prepared, but he hopes this bill can also be considered this week. pp. 3989-90, 4048

structure or excavation shall cause a building to be unsafe for human occupancy, they shall give notice of such fact to the owner or other person having an interest in such building, and to the occupant or occupants thereof. If within 5 days after such notice has been served upon such owner or other interested person, such building or part thereof has not been made safe for human occupancy, the Commissioners may order the use of such building or part thereof discontinued until it has been made safe: *Provided*, That if in the opinion of the Commissioners the unsafe condition of the building or part thereof is such as to be imminently dangerous to the life or limb of any occupant, the Commissioners may order the immediate discontinuance of the use of such building or part thereof. Any person occupying, or permitting the occupancy of, such building or part thereof in violation of such order of the Commissioners shall be fined not more than \$300 or imprisoned for not more than 30 days."

SEC. 8. Section 6 of such act, as amended, is renumbered "section 9."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION FREE OF DUTY OF ARTICLES IMPORTED FOR EXHIBITION PURPOSES

The bill (H. R. 10242) to permit articles imported from foreign countries for the purpose of exhibition at the Chicago International Fair and Exposition to be held in July 1959, at Chicago, Ill., to be admitted without payment of tariff, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CLARIFICATION OF NAVIGATION RULES FOR THE GREAT LAKES

The bill (S. 1976) to clarify the application of navigation rules for the Great Lakes and their connecting and tributary waters, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters" (ch. 64, 28 Stat. 645; 33 U. S. C. 241), is amended by deleting the first sentence and substituting the following: "The following rules for preventing collisions shall be followed in the navigation of all public and private vessels of the United States upon the Great Lakes and their connecting and tributary waters as far east as Montreal and in the navigation of all other vessels upon such lakes and waters while within the territorial waters of the United States."

SEC. 2. Section 2 of the act of February 8, 1895 (ch. 64, 28 Stat. 649; 33 U. S. C. 244), is amended to read as follows:

"(a) Every licensed or unlicensed pilot, engineer, mate, or master of any vessel subject to section 1 of this act who neglects or refuses to observe the provisions of this act or the regulations established pursuant hereto shall be liable to a penalty not exceeding \$500.

"(b) Every private vessel subject to section 1 of this act that shall be navigated without complying with the provisions of this act or the regulations established pursuant hereto shall be liable to a penalty of \$500, for which such vessel may be seized and proceeded

against by way of libel in any district court of the United States of any district within which such vessel may be found."

SEC. 3. Sections 4412 and 4413 of the Revised Statutes of the United States, as amended (46 U. S. C. 381) are hereby repealed.

LIGHTS FOR VESSELS TOWING OR BEING OVERTAKEN

The bill (S. 2115) to amend the act of June 7, 1897, as amended, and section 4233 of the Revised Statutes, as amended, with respect to lights for vessels towing or being overtaken, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That article 3 of section 1 of the act of June 7, 1897, as amended (30 Stat. 97, as amended; U. S. C., 1952 edition, title 33, sec. 173), is amended to read as follows:

"ART. 3. (a) A steam vessel when towing another vessel or vessels alongside or by pushing ahead shall, in addition to her side lights, carry 2 bright white lights in a vertical line, one over the other, not less than 3 feet apart, and when towing one or more vessels astern, regardless of the length of the tow, shall carry an additional bright white light 3 feet above or below such lights. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article 2 (a) or the after range light mentioned in article 2 (f).

"(b) A steam vessel carrying towing lights the same as the white light mentioned in article 2 (a), when pushing another vessel or vessels ahead, shall also carry at or near the stern 2 bright amber lights in a vertical line, one over the other, not less than 3 feet apart; each of these lights shall be so constructed as to show an unbroken light over an arc of the horizon of 12 points of the compass, so fixed as to show the light 6 points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. A steam vessel carrying towing lights the same as the white light mentioned in article 2 (a) may also carry, irrespective of the position of the tow, the after range light mentioned in article 2 (f); however, if the after range light is carried by such a vessel when pushing another vessel or vessels ahead, the amber lights shall be carried in a vertical line with and at least 3 feet lower than the after range light. A steam vessel carrying towing lights the same as the white light mentioned in article 2 (a), when towing one or more vessels astern, may also carry, in lieu of the stern light specified in article 10, a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam."

SEC. 2. Article 10 of section 1 of the act of June 7, 1897, as amended (30 Stat. 98; U. S. C., 1952 edition, title 33, sec. 179), is amended to read as follows:

"ART. 10. (a) A vessel when under way, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, so fixed as to show the light 6 points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. Such light shall be carried as nearly as practicable on the same level as the side lights.

"(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for the light to be fixed, an electric

torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision."

SEC. 3. Section (d) of Rule No. 2 of section 4233 of the Revised Statutes of the United States, as amended (U. S. C., 1952 edition, title 33, sec. 312), is amended to read as follows:

"(d) At or near the stern, where they can best be seen, 2 amber lights in a vertical line, one over the other, not less than 3 feet apart, of such a character as to be visible from aft for a distance of at least 2 miles, and so screened as not to be visible forward of the beam."

SEC. 4. Rule No. 10 of section 4233 of the Revised Statutes of the United States, as amended (U. S. C., 1952 edition, title 33, sec. 319), is amended to read as follows:

"Rule No. 10: (a) A vessel when under way, if not otherwise required by these rules to carry one or more lights visible from aft, shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 12 points of the compass, so fixed as to show the light 6 points from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles. Such light shall be carried as nearly as practicable on the same level as the side lights.

"(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision."

EQUITABLE TREATMENT FOR PRODUCERS PARTICIPATING IN THE SOIL BANK PROGRAM

The Senate proceeded to consider the bill (S. 2937) to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished by the Government, which had been reported from the Committee on Agriculture and Forestry, with an amendment, to strike out all after the enacting clause and insert:

That the Soil Bank Act is amended by adding at the end thereof the following new section:

"COMPENSATION FOR INCORRECT INFORMATION FURNISHED UNDER 1956 PROGRAM

"SEC. 127. In any case under the 1956 program in which a producer, in reliance, in good faith, on incorrect or incomplete information furnished to him by an authorized representative of the Secretary, entered into an acreage reserve or conservation reserve contract, or took action with the intention of entering into such a contract, and the producer is not entitled to receive under the provisions of the program the payment which was stipulated in the contract, or which would have been stipulated if a contract had been entered into the Secretary is hereby authorized, whenever he deems it desirable in order to provide fair and equitable treatment to such a producer, to compensate such producer for any loss suffered by him as a result of action taken for the purpose of participating in the program."

Mr. LANGER. Mr. President, may we have an explanation of the bill?

Mr. ELLENDER. Mr. President, the bill has received the unanimous approval of the Committee on Agriculture and Forestry. It also has received the approval of the Department of Agriculture,

which suggested some technical improvements which would be adopted by the committee amendment. The bill simply authorizes the Secretary of Agriculture to compensate producers for hardships suffered under the 1956 Soil Bank program as a result of incorrect information furnished by county committees. The 1956 program was put into effect hurriedly, after the Agricultural Act of 1956 was approved; and a number of mistakes occurred. In some cases the producer was given incorrect information as to the size of his allotment. In others, the Department's measurement of his acreage turned out to be incorrect. Examples of the types of mistakes covered are set out on pages 1, 2, and 3 of the committee report. These mistakes were not the farmers' mistakes, and the farmers should not be required to suffer for them.

The committee amendment, which was suggested by the Department of Agriculture, makes no change in substance in the bill, but was suggested by the Department and adopted by the committee as a clearer statement of the provisions of the bill.

THE PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HUNGRY HORSE DAM, MONT.

The bill (S. 847) to amend the act of June 5, 1944, relating to the construction, operation, and maintenance of Hungry Horse Dam, Mont., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, in order to clarify the status of the Hungry Horse project, Montana, section 1 of the act of June 5, 1944 (58 Stat. 270, 43 U. S. C. 593a), is hereby amended by adding to it a new sentence reading as follows:

"The Hungry Horse project shall be subject to the Federal reclamation laws (act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto)."

COMPACTS BETWEEN STATES OF NEBRASKA, WYOMING, AND SOUTH DAKOTA

The bill (S. 2557) to amend the act granting the consent of Congress to the negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota, in order to extend the time for such negotiations, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the last sentence of the act entitled "An act granting the consent of Congress to the negotiation by the States of Nebraska, Wyoming, and South Dakota of certain compacts with respect to the use of waters common to two or more of said States," approved August 5, 1953 (67 Stat. 865) is amended by striking out "5 years" and inserting in lieu thereof "8 years."

TRANSFER TO THE GOVERNMENT OF PROPERTY IN PHOENIX, ARIZ.

The Senate proceeded to consider the bill (S. 2813) to provide for certain credits to the Salt River Valley Water Users Association and the Salt River project agricultural improvement and power district in consideration of the transfer to the Government of property in Phoenix, Ariz., which had been reported from the Committee on Interior and Insular Affairs, with amendments, on page 1, line 7, after the word "Arizona", to insert "as evidenced by an acceptable abstract of title, certificate of title, or title guaranty policy"; on page 2, line 2, after the word "building", to insert "that the Attorney General of the United States has rendered a written opinion in favor of the validity of the title"; in line 5, after the word "accepted", to strike out "the tender" and insert "a warranty deed, in form approved by the Attorney General and with documentary stamps thereto attached in amounts required by law, conveying the unencumbered fee simple title to the properties therein described to the United States of America,"; and in line 19, after the word "District", to strike out the comma and "or so much of said amount as is not paid in cash or other valuable considerations" and insert a colon and "Provided, That if said amount is in excess of said obligations, the difference may be paid in cash or other valuable considerations."; so as to make the bill read:

Be it enacted, etc., That upon certification by the Administrator of the General Services Administration to the Secretary of the Interior that the Salt River project agricultural improvement and power district has tendered to the United States marketable title to certain properties in the city of Phoenix, Ariz., as evidenced by an acceptable abstract of title, certificate of title, or title guaranty policy now owned by it which are necessary for, or reasonably useful in connection with, a new Federal courthouse and office building, that the Attorney General of the United States has rendered a written opinion in favor of the validity of the title and that the Administrator, acting on behalf of the United States, has accepted a warranty deed, in form approved by the Attorney General and with documentary stamps thereto attached in amounts required by law, conveying the unencumbered fee simple title to the properties therein described to the United States of America, the Secretary shall credit toward repayment of such of the obligations assumed by the Salt River Valley Water Users' Association and the Salt River project agricultural improvement and power district under the Federal reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto) as he finds proper an amount equal to the value of the properties transferred, as determined by an appraisal satisfactory to the Administrator, the Secretary, and the Salt River project agricultural improvement and power district: *Provided,* That if said amount is in excess of said obligations, the difference may be paid in cash or other valuable considerations.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TWENTIETH ANNIVERSARY OF CIVIL AVIATION

The concurrent resolution (S. Con. Res. 72) favoring congressional recognition of the 20th anniversary of civil aviation under the Civil Aeronautics Act of 1938, was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States, on this 20th anniversary of the Civil Aeronautics Act of 1938, reaffirms its support of the policies set forth therein; and urges strict adherence to policies which will enable civil aviation to solve its present economic and technical problems and assure the public of the benefits of a strong air transport system and civil aviation industry.

The preamble was agreed to.

INCREASE IN EXPENDITURES FOR THE COMMITTEE ON FOREIGN RELATIONS

The resolution (S. Res. 272) authorizing an increase in expenditures for the Committee on Foreign Relations was considered and agreed to, as follows:

Resolved, That the Committee on Foreign Relations hereby is authorized to expend from the contingent fund of the Senate, during the 85th Congress, \$10,000, in addition to the amounts, and for the same purposes, specified in section 134 (a) of the Legislative Reorganization Act, approved August 2, 1946, and Senate Resolution 152, agreed to July 3, 1957.

PAYMENT OF GRATUITY TO ELEANOR N. GAGG

The resolution (S. Res. 275) to pay a gratuity to Eleanor N. Gagg was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Eleanor N. Gagg, widow of William H. Gagg, an employee of the Senate at the time of his death, a sum equal to 7½ months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PROVISION OF ADDITIONAL FUNDS FOR THE OFFICIAL REPORTERS OF THE SENATE, IF NEEDED

The resolution (S. Res. 276) providing additional funds for the Official Reporters of the Senate was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate, to the Official Reporters of the Senate debates and proceedings, during the period March 1, 1958, to December 31, 1958, so much as may be necessary, not to exceed \$10,000, for the employment of additional office personnel.

PRINTING OF PROCEEDINGS RELATING TO ACCEPTANCE OF STATUE OF MARIA L. SANFORD

The concurrent resolution (S. Con. Res. 71) to print the proceedings in connection



85TH CONGRESS
2D SESSION

S. 2937

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1958

Referred to the Committee on Agriculture

AN ACT

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Bank Act is amended by adding at the end
4 thereof the following new section:

5 "COMPENSATION FOR INCORRECT INFORMATION FUR-
6 NISHED UNDER 1956 PROGRAM

7 "SEC. 127. In any case under the 1956 program in
8 which a producer, in reliance, in good faith, on incorrect or
9 incomplete information furnished to him by an authorized
10 representative of the Secretary, entered into an acreage re-

1 serve or conservation reserve contract, or took action with
2 the intention of entering into such a contract, and the pro-
3 ducer is not entitled to receive under the provisions of the
4 program the payment which was stipulated in the contract,
5 or which would have been stipulated if a contract had been
6 entered into, the Secretary is hereby authorized, whenever he
7 deems it desirable in order to provide fair and equitable
8 treatment to such a producer, to compensate such producer for
9 any loss suffered by him as a result of action taken for the
10 purpose of participating in the program."

Passed the Senate March 17, 1958.

Attest:

FELTON M. JOHNSTON,

Secretary.

Report of the Committee on Education
March 1908

By the General Assembly
The report of the Committee on Education (as of the
March 1908) is the only report submitted to
the House of Representatives on the subject of
education.

AN ACT

25331

AN ACT

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

MARCH 18, 1958

Referred to the Committee on Agriculture

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 16, 1958
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85th-2d, No. 57

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HIGHLIGHTS: See page 5.

HOUSE

1. DURUM WHEAT. The Agriculture Committee ordered reported H. R. 11092, to provide increased durum wheat acreage allotments for certain counties in the Tulalake area, Calif. p. D306
2. LIVESTOCK LOANS. The Agriculture Committee ordered reported H. R. 11424, to extend the authority for extension of special livestock loans. p. D306
3. SOIL BANK. The Agriculture Committee ordered reported H. R. 10114, to provide a more equitable treatment for producers participating in the soil bank program for previous actions taken on the basis of incorrect information furnished by this Department. p. D306
4. PROPERTY. A subcommittee of the Government Operations Committee ordered reported with amendment S. 2224, to amend the procedures on advertised and negotiated disposals of surplus property, and S. 2533, to authorize GSA to lease space for Federal agencies. p. D307
5. GRAIN PRICES. Rep. Hill inserted a recent USDA Daily Summary release commenting on trends in grain prices. p. 5777

6. ECONOMIC SITUATION. Several Representatives discussed the current economic situation including comments on farm conditions, and debated the matter of who is responsible for some declines in the economy. pp. 5782-83, 5785-88, 5788-90, 5783-85

SENATE

7. LIVESTOCK; SEEDS; WEEDS; RESEARCH. The Agricultural Research and General Legislation Subcommittee ordered reported to the Agriculture and Forestry Committee the following bills:
- S. 1497, to require the humane slaughter of livestock (as amended by substituting the language of H. R. 8308);
 - S. 1939, to amend the Federal Seed Act;
 - S. 3076, authorizing the transportation in the U. S. of live foot-and-mouth disease virus for research purposes;
 - and a clean bill (in place of S. 672 and S. 2490) to control noxious plants on Federal lands. p. D305
8. MEATPACKING. Sen. Watkins discussed the proposed amendments to the Packers and Stockyards Act, and concluded that the F.T.C. was supporting the Young-Carroll amendment to S. 1356, which would grant the Secretary jurisdiction over all livestock transactions in interstate commerce. He inserted the F.T.C. report opposing H. R. 9020 and favoring S. 1356 (with section 2 of H. R. 9020) instead. pp. 5760-1
9. FLOOD CONTROL. Received the President's veto message on S. 497, the rivers and harbors and flood control bill. Sens. Humphrey, Kefauver, Yarborough, and Morse criticized the veto. pp. 5721-3, 5762-3.
10. PUBLIC WORKS. Continued debate on S. 3497, the community facilities bill authorizing the Housing and Home Finance Agency to lend local governmental units up to \$1 billion for construction of public works. Adopted the following amendments:
- By Sen. Javits, to make civil defense facilities eligible for loans (p. 5727);
 - By Sen. Case, 54 to 25, to make the Davis-Bacon Act, controlling the maximum hours and minimum wages, apply to this bill (pp. 5749-60);
- Rejected the following amendment:
- By Sen. Fulbright, 40 to 41, to base the interest cost of loans on the average cost of procuring Federal credit (pp. 5723-60, 5727-49).
11. WHEAT. Sen. Thye inserted a statement, his letter to the Secretary, and Mr. McLain's reply, defending the value of the wheat subsidy-in-kind program under which exporters receive the export subsidy in the form of grain. pp. 5682-3
12. FORESTRY. Sen. Humphrey commented on the importance of reforestation and inserted editorials praising the Forest Service's "Timber Resources for America's Future." pp. 5704-5
- Sen. Humphrey inserted a letter and a resolution urging the Forest Service to begin work on the Gunflint Trail forest highway project. pp. 5668-9
 - Sen. Kefauver thanked the paper and pulp publishers for their developments in using Southern softwoods. p. 5718

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued April 17, 1958
For actions of April 16, 1958
85th-2d, No. 58

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Wheat.....1			
Wool.....14,37			

HIGHLIGHTS: See page 6.

HOUSE

- ~~H. R. 11092, with amendment, to provide increased durum wheat acreage allotments for certain counties in the Tularelake area, Calif. (H. Rept. 1607); H. R. 11424, without amendment, to extend the authority for extension of special livestock loans (H. Rept. 1609); and H. R. 10114, without amendment, to provide a more equitable treatment for producers participating in the soil bank program for previous actions taken on the basis of incorrect information furnished by this Department (H. Rept. 1606). p. 5914.~~
- Passed without amendment H. R. 2767, to provide that 5 U.S.C. 22 (which provides that "The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.") "does not authorize withholding information from the public or limiting the availability of records to the public."pp. 5862-91

Rejected the following amendments:

By Rep. Hoffman to provide that the bill should not be construed as requiring the giving of information or the making of records available. pp. 5883-84

By Rep. Meader to provide that no regulation would be prescribed under the bill authorizing or directing the withholding of information from the public or limiting the availability of records to the public. pp. 5884-85

By Rep. Hyde, 47 to 79, to provide that the bill would not authorize withholding information from the public "in a manner not inconsistent with law." pp. 5885-88

By Rep. Griffin, 63 to 87, to provide that the bill would not be construed as repealing or amending any other statute which may authorize the withholding, restricting, or limiting the availability of information or records to the public. pp. 5888-89

By Rep. Hoffman to provide that the bill would not limit any constitutional privilege. p. 5889

By Rep. Hoffman to provide that the bill would not be construed as requiring the giving of information which would endanger the national security, impair Government efficiency, result in unfairness to any person, or disclose confidential sources of information to agencies or officials. p. 5889

Also rejected a motion by Rep. Hoffman to recommit the bill. p. 5890

3. SURPLUS PROPERTY. The Government Operations Committee ordered reported with amendment S. 2224, to amend the procedures on advertised and negotiated disposals of surplus property. p. D312
4. RECLAMATION. A subcommittee of the Interior and Insular Affairs Committee ordered reported with amendment H. R. 594, to authorize the construction and maintenance of the Fryingpan-Arkansas project, Colo. p. D312
5. FLOOD CONTROL. Reps. Gross, Morano, and McGregor defended, and Rep. Edmondson criticized, the President's veto of S. 497, the rivers and harbors and flood control bill. pp. 5861-62
6. FOREIGN AFFAIRS. Rep. Boggs commended the work of the Organization for European Economic Cooperation in developing the economy of Europe, and inserted a summary of its achievements during the first 10 years. pp. 5891-93
7. ECONOMIC SITUATION. Rep. Dingell discussed the current economic situation, and stated that net farm income has "dropped steadily since the advent of the present administration" and that the "middlemen's profits have grown astonishingly." pp. 5893-97
8. SMALL BUSINESS. Rep. Patman charged that small business was suffering from the "credit squeeze," and inserted tables on the change in amount of business loans of member banks to various types of businesses. pp. 5898-99
9. STATEHOOD. Rep. Saylor urged enactment of legislation to provide statehood for Alaska. pp. 5908-09
10. APPROPRIATIONS. Received from the Acting Secretary of Agriculture a report "prior to restoration of balances to the appropriation 'Salaries and expenses, Farmer Cooperative Service, 1957,' pursuant to the act of July 25, 1956 (31 U. S. C. 701-708) and the reporting requirements set forth in Bureau of the Budget Circular No. A-23, dated June 21, 1957"; to Government Operations Committee. p. 5914

RELIEF FROM MISTAKES—1956 SOIL BANK PROGRAM

APRIL 16, 1958.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

[To accompany H. R. 10114]

The Committee on Agriculture, to whom was referred the bill (H. R. 10114) to provide equitable treatment for producers participating in the soil-bank program on the basis of incorrect information furnished by the Government, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

The purpose of this bill is to authorize the Secretary of Agriculture to compensate producers for hardships suffered under the 1956 soil-bank program as a result of incorrect information furnished by county agricultural stabilization and conservation committees. The 1956 program was put into effect hurriedly after the Agricultural Act of 1956 was approved, and a number of mistakes occurred. The Comptroller General has advised the Secretary of Agriculture, with respect to certain of these mistakes to which his attention was directed, that there is now no authority to correct these mistakes. Legislation is therefore required.

HEARINGS

This bill by Mr. Hoeven was reported by the committee after consideration of similar House bills and S. 2937 which is identical with this bill and which passed the Senate on March 17, 1958.

Similar House bills considered by the committee were H. R. 10839 by Mr. Harrison and H. R. 11792 by Mr. Moulder.

DEPARTMENTAL POSITION

The Department favors the enactment of this bill. In reporting on H. R. 10839 by Mr. Harrison, the Department recommended certain technical changes. These recommended changes are reflected in the bill herewith reported (H. R. 10114), which contains the exact language proposed by the Department. In reporting on H. R. 10839 the Department stated its position as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., April 8, 1958.

HON. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR CONGRESSMAN COOLEY: This is in reply to your request of February 24, 1958 for a report on H. R. 10839, a bill to provide equitable treatment for producers participating in the soil-bank program on the basis of incorrect information furnished by the Government. The bill applies only to the soil-bank programs.

The Department recommends enactment of the bill with certain technical changes which are contained in the attached draft.

Because of the delay in enactment of the Soil Bank Act and the mandate of Congress to put the program into effect for 1956, there was not ample opportunity to acquaint the field staff or producers fully with the requirements of the program. As a result, some producers suffered hardships due to being given erroneous information by county committees or due to the failure of county committees to properly inform them as to program requirements.

Until a survey can be made of claims coming under this legislation an accurate estimate of needed funds cannot be made. However, it is thought that such claims should not exceed \$1 million.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

TRUE D. MORSE, *Acting Secretary.*

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

SOIL BANK ACT

* * * * *

COMPENSATION FOR INCORRECT INFORMATION FURNISHED UNDER 1956 PROGRAM

SEC. 127. *In any case under the 1956 program in which a producer, in reliance, in good faith, on incorrect or incomplete information furnished to him by an authorized representative of the Secretary, entered into an acreage reserve or conservation reserve contract, or took action with the intention of entering into such a contract, and the producer is not entitled to receive under the provisions of the program the payment which was stipulated in the contract, or which would have been stipulated if a contract had been entered into, the Secretary is hereby authorized, whenever he deems it desirable in order to provide fair and equitable treatment to such a producer, to compensate such producer for any loss suffered by him as a result of action taken for the purpose of participating in the program.*

Union Calendar No. 643

85TH CONGRESS
2D SESSION

H. R. 10114

[Report No. 1606]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1958

Mr. HOEVEN introduced the following bill; which was referred to the Committee on Agriculture

APRIL 16, 1958

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Soil Bank Act is amended by adding at the end
4 thereof the following new section:

5 "COMPENSATION FOR INCORRECT INFORMATION FUR-
6 NISHED UNDER 1956 PROGRAM

7 “SEC. 127. In any case under the 1956 program in
8 which a producer, in reliance, in good faith, on incorrect
9 or incomplete information furnished to him by an author-
10 ized representative of the Secretary, entered into an acreage

1 reserve or conservation reserve contract, or took action with
2 the intention of entering into such a contract, and the pro-
3 ducer is not entitled to receive under the provisions of the
4 program the payment which was stipulated in the contract,
5 or which would have been stipulated if a contract had been
6 entered into, the Secretary is hereby authorized, whenever
7 he deems it desirable in order to provide fair and equitable
8 treatment to such producer, to compensate such producer
9 for any loss suffered by him as a result of action taken for
10 the purpose of participating in the program.”

85TH CONGRESS
2^D SESSION

H. R. 10114

[Report No. 1606]

A BILL

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

By Mr. HOEVEN

JANUARY 20, 1958

Referred to the Committee on Agriculture

APRIL 16, 1958

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued May 6, 1958
For actions of May 5, 1958
85th-2d, No. 70

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HIGHLIGHTS: See page 5.

HOUSE

1. COTTON. The Agriculture Committee reported without amendment H. R. 11399, to fix the price support for extra long staple cotton at a level between 60 per cent of parity and not in excess of the parity price for the 1956 crop (H. Rept. 1691). p. 7234
2. LIVESTOCK DISEASES. The Agriculture Committee ordered reported H.R. 12126, to "provide further protection against the introduction and dissemination of livestock diseases." p. D384
3. WATERSHEDS. The "Daily Digest" states that the Agriculture Committee "approved watershed projects in the following States: Georgia, Indiana, Mississippi, North Carolina, and Oregon." p. D384
4. WHEAT IMPORTS. A subcommittee of the Agriculture Committee ordered reported with technical amendment H. R. 11581, to increase the duty on imported wheat seed treated with poisonous substances which is unfit for human consumption. p. D384
5. SOIL BANK. Passed without amendment S. 2937, to compensate producers for hardships suffered under the 1956 soil bank program as a result of incorrect information furnished by county committees. A similar bill, H. R. 10114, was laid on the table. This bill will now be sent to the President. p. 7179
6. LIVESTOCK LOANS. Passed without amendment H. R. 11424, to extend for 2 years (through 7-14-61) the authority of the Secretary to extend or make supplementary advances in connection with special livestock loans. p. 7180

7. WOOL IMPORTS. Agreed to the Senate amendments to H. R. 2151, to suspend for two years the import duties on certain coarse wools imported under bond for use in the manufacture of rugs and carpets. This bill will now be sent to the President. p. 7183
8. LAND WITHDRAWALS. Received from the Director, Alaska Department of Fish and Game, a letter "relative to a policy statement on land withdrawals by the Alaska Fish and Game Commission, Territory of Alaska." p. 7234
9. FOOD ADDITIVES. Received a Columbus, O., citizens petition urging the enactment of legislation to regulate the use of chemical additives in food. p. 7245
10. FOREIGN TRADE. Rep. Dorn stated that the American Legion opposes extension of the reciprocal trade program, and inserted a resolution adopted by the national executive committee of the Legion urging a foreign-trade policy "that will prevent the injury to or liquidation of industries essential to the defense and the economic welfare of this country." p. 7195
11. FLOOD CONTROL. Rep. Mack and others spoke in favor of the enactment of a rivers and harbors and flood control bill with the deletion of projects to which the President is opposed. pp. 7224-9

SENATE

12. FORESTRY. The Interior and Insular Affairs Committee reported with amendments S. 3051, to provide alternatives of either private or Federal acquisition of the part of the Klamath Indian forest lands which must be sold under the termination act (S. Rept. 1518). p. 7128.
Sen. Neuberger inserted 3 editorials favoring Federal acquisition of the Klamath forest lands. pp. 7147-8
Sen. Neuberger inserted a letter from the Trustees for Conservation stating that the wilderness preservation bills would carry out the multiple use program. pp. 7148-9
13. APPROPRIATION. Both Houses received from this Department a report prior to restoration of balances to the appropriation, "Salaries and Expenses Farmers' Home Administration," as of Mar. 31, 1958. pp. 7128, 7234.
14. INFORMATION. The Constitutional Rights Subcommittee ordered reported to the Judiciary Committee without amendment S. 921, to prevent use of 5 U.S.C. 22 to withhold information. p. D382
15. PRICE SUPPORTS; ACREAGE ALLOTMENTS. Sen. Neuberger inserted a letter from the National Ass'n of Wheat Growers and a telegram from 3 Democratic county chairmen, urging him to vote to over-ride the President's veto of the farm freeze measure. pp. 7149-50
16. STATEHOOD. Sen. Church urged statehood for Alaska, with comment and discussion by Sens. Neuberger, Knowland, Thyne, Case (S.D.), Proxmire, Carroll, Anderson, and Yarborough. pp. 7162-75
17. TRANSPORTATION. Sen. Langer urged action by Congress to aid the railroads. pp. 7134-5
18. COMMITTEES. Sen. B. Everett Jordan, the new Senator from N. C., was assigned to the Post Office and Civil Service Committee and the Public Works Committee. pp. 7127-8

I ask unanimous consent that the RECORD and Journal be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

POLISH CONSTITUTION DAY

(Mrs. CHURCH asked and was given permission to address the House for 1 minute.)

Mrs. CHURCH. Mr. Speaker, I rise today, since the Congress was not in session on May 3, the anniversary of Poland's constitution of 1791, to join all freedom-loving Poles and their friends throughout the world in celebration of this significant national day of Poland. It is an honor to associate myself with those commemorating in solemnity and hope this 167th anniversary. All freedom-loving people, in fact, unite in prayer that the day will soon come when the people of Poland may again express their love of their country and their devotion to freedom as free citizens in a free country.

The historical ties between Americans and Poles, based on a common devotion to freedom and national independence, cannot be severed. Today, we renew this mutual faith and our strong bonds of friendship and proclaim that we shall never be reconciled to the bondage of the Polish people.

The constitution of May 3, one of the world's great documents dedicated to the cause of liberty, symbolizes the spirit of the Polish people—a spirit which cannot be forever denied or suppressed. Of this there is no doubt. The cause of freedom will prevail again in Poland. A nation that has produced such men of stature and courage as Kosciuszko and Pulaski will never be willing permanently to forgo that part of its inheritance which is an unquenchable desire to breathe again the sweet air of liberty.

On this memorable occasion, I wish also to pay tribute to all Americans of Polish descent who have made so vital a contribution to the strength and spirit of this country. I join with them in their prayers for Poland's return to the family of free nations. This is indeed a day to rededicate ourselves to the principles of liberty, justice, and human dignity.

REREERENCE OF CERTAIN BILLS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bills H. R. 12018—ASPINALL, H. R. 12055—SAYLOR, and H. R. 12129—O'BRIEN of New York, to authorize the Secretary of the Navy to acquire certain lands on the island of Guam, and that these bills be referred to the Committee on Interior and Insular Affairs. It is the sense of the Committee on Armed Services that these bills properly come within the scope and jurisdiction of the Committee on Interior and Insular Affairs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSENT CALENDAR

The SPEAKER pro tempore. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

STATE OF NEW YORK

The Clerk called the bill (H. R. 7783) for the relief of the State of New York.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SMALL BOAT SAFETY

The Clerk called the bill (H. R. 11078) to promote boating safety on the navigable waters of the United States, its Territories, and possessions; to provide coordination and cooperation with the States in the interest of uniformity of boating laws; and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that this bill be stricken from the calendar. I do so at the request of the chairman of the Committee on Merchant Marine and Fisheries.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

VIRGIN ISLANDS NATIONAL PARK

The Clerk called the bill (S. 2183) to amend the act of August 2, 1956 (70 Stat. 940), providing for the establishment of the Virgin Islands National Park, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of August 2, 1956 (70 Stat. 940), entitled "An act to authorize the establishment of the Virgin Islands National Park, and for other purposes" is hereby amended by striking section 3 therefrom.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOIL BANK PROGRAM

The Clerk called the bill (H. R. 10114) to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished by the Government.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 2937) to provide equitable treatment for producers participating in the Soil Bank program on the basis of incorrect information furnished by the Government, an identical bill, be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Soil Bank Act is amended by adding at the end thereof the following new section:

"COMPENSATION FOR INCORRECT INFORMATION FURNISHED UNDER 1956 PROGRAM

"SEC. 127. In any case under the 1956 program in which a producer, in reliance, in good faith, on incorrect or incomplete information furnished to him by an authorized representative of the Secretary, entered into an acreage reserve or conservation reserve contract, or took action with the intention of entering into such a contract, and the producer is not entitled to receive under the provisions of the program the payment which was stipulated in the contract, or which would have been stipulated if a contract had been entered into, the Secretary is hereby authorized, whenever he deems it desirable in order to provide fair and equitable treatment to such a producer, to compensate such producer for any loss suffered by him as a result of action taken for the purpose of participating in the program."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 10114, was laid on the table.

FORT FREDERICA NATIONAL MONUMENT

The Clerk called the bill (H. R. 6472) to provide for the acquisition and addition of certain lands to Fort Frederica National Monument, in the State of Georgia, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 1818) to direct the Secretary of the Interior to acquire certain lands as an addition to the Fort Frederica National Monument, a similar bill, be considered in lieu of the House bill.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to provide for the establishment of the Fort Frederica National Monument, at Saint Simon Island, Ga., and for other purposes," approved May 26, 1936 (49 Stat. 1373), as amended, is amended by striking out "100 acres" and inserting in lieu thereof "250 acres."

SEC. 2. The Secretary of the Interior is authorized and directed to acquire by purchase, condemnation, or otherwise, subject to the acreage limitation contained in the aforementioned act, the site known as the Bloody Marsh Battle memorial monument located on Saint Simon Island, Ga., together with such additional land, including the marshland across the river to the west of Fort Frederica National Monument, or interest in land, as in the judgment of the Secretary of the Interior might be desirable for the protection of such national monument. Such lands or interest in lands, acquired by the Secretary pursuant to this act shall be made a part of the Fort Frederica National Monument.

SEC. 3. There are hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such amounts, not to exceed \$20,000, as may be necessary to carry out the provisions of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 6472, was laid on the table.

EXTENDING AUTHORITY OF SECRETARY OF AGRICULTURE TO EXTEND SPECIAL LIVESTOCK LOANS

The Clerk called the bill (H. R. 11424) to extend the authority of the Secretary of Agriculture to extend special livestock loans, and for other purposes.

The Clerk read the title of the bill. There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 2 (c) of the act of April 6, 1949, as amended (12 U. S. C. 114-8a (c)), is further amended by striking out in the second sentence thereof "1959" and inserting in lieu thereof "1961."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 1461 OF TITLE 18, UNITED STATES CODE

The Clerk called the bill (H. R. 6239) to amend section 1461 of title 18 of the United States Code, relating to the mailing of obscene or crime-inciting matter. The Clerk read the title of the bill.

Mr. ASPINALL. Mr. Speaker, at the request of the gentleman from New York [Mr. SANTANGELO] who is necessarily absent at this time, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CLAIMS ARISING OUT OF ACCIDENTAL RELEASE OF BOMB FROM AN AIR FORCE AIRCRAFT

The Clerk called the bill (H. R. 11406) to remove the present \$1,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the accidental release of a bomb from an Air Force aircraft on an authorized noncombat training mission

over and near Mars Bluff, Florence County, S. C., on March 11, 1958.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the \$1,000 limitation contained in section 2733 (a) of title 10, United States Code, shall not apply with respect to claims arising out of the accidental release of a bomb from an Air Force aircraft on an authorized noncombat training mission over and near Mars Bluff, Florence County, S. C., on March 11, 1958.

SEC. 2. With respect to claims filed as a result of the accident described in the first section of this act, the Secretary of the Air Force shall, within 30 months after the date of the enactment of this act transmit to the Congress a report setting forth—

(1) each claim settled and paid with a brief statement concerning the character and equity of each such claim, the amount claimed, and the amount approved and paid; and

(2) each claim submitted which has not been settled, with supporting papers and a statement of findings of fact and recommendations with respect to each such claim.

SEC. 3. No part of the amounts awarded under this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING TITLE 18, UNITED STATES CODE, SECTION 3651

The Clerk called the bill (H. R. 7260) to amend title 18, United States Code, section 3651, so as to permit confinement in jail-type institutions or treatment institutions for a period not exceeding 6 months in connection with the grant of probation of a one-count indictment.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That title 18, United States Code, section 3651, is amended by adding a paragraph after the first paragraph of that section reading as follows:

"Upon entering a judgment of conviction of any offense not punishable by death or life imprisonment, if the maximum punishment provided for such offense is more than 6 months, any court having jurisdiction to try offenses against the United States, except in the District of Columbia, when satisfied that the ends of justice and the best interest of the public as well as the defendant will be served thereby, may impose a sentence in excess of 6 months and provide that the defendant be confined in a jail-type institution or a treatment institution for a period not exceeding 6 months and that the execution of the remainder of the sentence be suspended and the defendant placed on probation for such period and upon such terms and conditions as the court deems best."

(Mr. KEATING asked and was given permission to extend his remarks at this point.)

Mr. KEATING. Mr. Speaker, H. R. 7260 is designed to give Federal judges wider discretion in sentencing those con-

victed on a 1-count indictment or on only 1 count of a multiple-count indictment.

Under existing law the court may sentence a person convicted of 2 or more counts of an indictment to a short period in prison on 1 count and place him on probation for a longer period on the other. Where a person is convicted of only one count, however, the court must either impose imprisonment for a definite term or suspend sentence.

Experience has shown that a combination of both confinement and probation is often desirable. A period in prison impresses on the prisoner the fact that the law is not broken with impunity. Probation, on the other hand, affords the supervision and guidance which so often can lead to rehabilitation.

H. R. 7260, sponsored by the Judicial Conference, would authorize Federal district courts to confine a person convicted of one count of an indictment in a jail-type or treatment institution for not to exceed 6 months and then to place him on probation for the balance of his sentence. This split sentencing will give judges the necessary latitude to deal with each case in the best interest of the public as well as the defendant.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Clerk called the bill (H. R. 10504) to make the provisions of the Longshoremen's and Harbor Workers' Compensation Act applicable to certain civilian employees of nonappropriated fund instrumentalities of the Armed Forces, and for other purposes.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act of June 19, 1952 (66 Stat. 139; Public Law 397, 82d Cong.; 5 U. S. C. 150k-1), is amended to read as follows:

"SEC. 2. (a) The Longshoremen's and Harbor Workers' Compensation Act (33 U. S. C. 901-950) shall apply with respect to the disability or death resulting from injury, as defined in section 2 (2) of such act (33 U. S. C. 902 (2)), occurring to a civilian employee of any nonappropriated fund instrumentality described in the first section of this act, subject to the following provisions of this section:

"(1) For the purposes of this act, the term 'employee' in section 2 (3) of the Longshoremen's and Harbor Workers' Compensation Act shall include only—

"(A) those employees of such nonappropriated fund instrumentalities as are employed within the continental United States and

"(B) those United States citizens or permanent residents of the United States or a Territory who are employees of such nonappropriated fund instrumentalities outside the continental limits of the United States.

"(2) For the purposes of this act (the term 'employer' in section 2 (4) of the Longshoremen's and Harbor Workers' Compensation Act shall include each of the nonappropriated fund instrumentalities described in the first section of this act.

"(3) For the purposes of this act, only that part of section 3 (a) of the Longshore-

Public Law 85-413
85th Congress, S. 2937
May 16, 1958

AN ACT

72 Stat. 118.

To provide equitable treatment for producers participating in the soil bank program on the basis of incorrect information furnished by the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Soil Bank Act is amended by adding at the end thereof the following new section:

"COMPENSATION FOR INCORRECT INFORMATION FURNISHED UNDER 1956 PROGRAM

Soil Bank
Act, amend-
ment.

70 Stat. 188.
7 USC 1801
note.

"SEC. 127. In any case under the 1956 program in which a producer, in reliance, in good faith, on incorrect or incomplete information furnished to him by an authorized representative of the Secretary, entered into an acreage reserve or conservation reserve contract, or took action with the intention of entering into such a contract, and the producer is not entitled to receive under the provisions of the program the payment which was stipulated in the contract, or which would have been stipulated if a contract had been entered into, the Secretary is hereby authorized, whenever he deems it desirable in order to provide fair and equitable treatment to such a producer, to compensate such producer for any loss suffered by him as a result of action taken for the purpose of participating in the program."

Approved May 16, 1958.

